UNITED STATES PATENT AND TRADEMARK OFFICE

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10/645,500	08/22/2003	Gerold Herold	32860-000610/US	8715

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EXAMINER
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2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/645,500	HEROLD ET AL.
Office Action Summary	Examiner	Art Unit	
	KIMBERLY LOVEL	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7/24/08*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-29* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This communication is in response to the Amendment filed 24 July 2008.

2.   Claims 1-29 are currently pending. In the Amendment filed 24 July 2008, none of

the claims are amended. This action is made Non-Final.

3.   The rejections of claims 1-29 as being unpatentable over US PGPub

2002/0087359 to Bocionek in view of US PGPub 2004/0186747 to Nakano et al have

been withdrawn as necessitated by applicant's arguments.

Specification

4.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

        The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

        The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

        The abstract of the disclosure is objected to because it contains more than 150

words. Correction is required. See MPEP § 608.01(b).

5.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: The specification fails to provide antecedent basis for the

concept of transferring data objects from the second data processing device to the first

data processing device (see claims 5, 12, 17 and 27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

US PGPub 2002/0087359 to Bocionek (hereafter Bocionek) in view of US PGPub

2002/0188896 to Filteau et al (hereafter Filteau).

Referring to claim 1, Bocionek discloses a data processing system for

processing medically relevant data objects including at least one of image data and

metadata (see abstract), comprising:

a first electronic data processing device [operator consoles 5-8] for viewing and

editing the data objects (see [0021], lines 7-11), the first electronic data processing

device including,

a data store for storing the data objects [medical images and patient data

are stored locally within the workstations] (see [0021], lines 7-11), and

a first interface for outputting data objects (see [0025]); and

a second electronic data processing [workstation 11] (see [0023]), the second

electronic data processing device including,

a second interface for receiving the data objects [communication network

9] (see [0023], lines 1-4),

wherein

the first data processing device uses firmly prescribed data formats

[DICOM], to store, view and edit data objects (see [0021] and [0025]),and

the interfaces of the first and second processing devices are connectable

to one another for transfer of data objects from the first data processing device to

the second data processing device (see [0022], lines 1-3; [0023], lines 1-4; and

[0025]).

However, while Bocionek discloses a second processing device, Bocionek fails

to explicitly disclose the further limitations of the second electronic data processing

device presenting and altering data from data objects in reports using report masks,

wherein the second electronic data processing device has a mask memory for storing

the report masks and uses report masks, generateable and alterable locally by the user

of the second data processing device to present and alter objects in a report context.

Filteau discloses creating formatted reports [medical diagnostic report 800] containing

extracts from the database [data storage device 105] (see [0039]) including the further

limitations of a second electronic data processing device for presenting and altering

data from data objects in medically relevant reports using report masks (see [0037]-

[0039]; Fig 1; and Fig 2), the second electronic data processing device including a mask memory for storing the report masks [the data storage device 105 may contain a plurality of records identifying one or more local reporting templates or profiles that may be selected by a reporting physician in order to tailor the format of the report] (see [0041], lines 4-8), a second interface for receiving the data objects [report input interface 15] (see [0037]) and the second data processing device uses report masks, generateable and alterable [report editor 170] locally by the user of the second data processing device to present and alter objects in a report context [permit an operator of the medical report generator 100 to complete any necessary modifications either to previously supplied or site modified diagnostic findings] (see [0041]; [0042]; and [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the report masks of Filteau to present the data disclosed by Bocionek on a second device. One would have been motivated to do so in order to improve the diversity of database system with which the clients and users can interact.

Referring to claim 2, the combination of Bocionek and Filteau (hereafter Bocionek/Filteau) discloses the data processing system as claimed in claim 1, wherein the second data processing device stores report masks at least one of generated and altered by the user [local reporting templates or profiles] (Filteau: see [0041]).

Referring to claim 3, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein the second data processing device uses report masks, generate able and alterable by the user without knowledge of the syntax of the data

objects, in order for a user to edit data from data objects (Filteau: see [0039], lines 12-14; [0050]; and [0055]).

Referring to claim 4, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein at least one of the interfaces includes the data switching device [renderer 140], the data switching device having access to an association memory containing information about an association between data object types and report masks, and wherein the data switching device is adapted to ascertain the type of a data object transferred via the interface, compare the ascertained type with the content of the association memory and associate a report mask with the data object on the basis of the result of the comparison (Filteau: see [0039] and [0053]).

Referring to claim 5, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein the interfaces on the first and second data processing devices, when interconnected, are useable to transfer data belonging to data objects from the second data processing device to the first data processing device, and wherein data objects with user-edited data, transferred to the first data processing device via the interconnected interfaces, are stored in the data store (Filteau: see [0039])

Referring to claim 6, Bocionek/Filteau discloses the data processing system as claimed in claim 5, wherein content of user-edited data is checked by the data switching device, and the checked data are stored by the first data processing device only on the basis of the result of the check (Filteau: see [0039] and [0053]).

Referring to claim 7, Bocionek/Filteau discloses the data processing system as claimed in claim 1, wherein the first data processing device is for authenticating all

access operations to data objects by users in a manner which the user cannot alter and

documents them for later reconstruction (Bocionek: see [0021] and [0025]; Filteau: see

[0048]).

Referring to claim 8, Bocionek discloses a distributed method for processing

medically relevant data objects, including at least one of image data and metadata (see

abstract), with a first component [operator consoles 5-8] for at least one of viewing,

editing and storing the data objects (see [0021], lines 7-11) and with a second

component [workstation 11] for presenting data from the data objects (see [0023]),

comprising:

using prescribed data formats [DICOM] in the first component, which are

unalterable by a user, to at least one of store, view and edit the data objects (see [0021]

and [0025]), wherein the data objects are transferable from the first to the second

component (see [0022], lines 1-3; [0023], lines 1-4; and [0025]).

However, while Bocionek discloses a second processing device, Bocionek fails

to explicitly disclose the further limitations of using report masks in the second

component, which are at least one of generateable and alterable locally by a user of the

second component to present and alter the data objects in a report context. Filteau

discloses creating formatted reports [medical diagnostic report 800] containing extracts

from the database [data storage device 105] (see [0039]) including the further limitations

of using report masks in the second component, which are at least one of generateable

and alterable [report editor 170] locally by a user of the second component to present

and alter the data objects in a report context [permit an operator of the medical report

generator 100 to complete any necessary modifications either to previously supplied or site modified diagnostic findings] (see [0041]; [0042]; and [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the report masks of Filteau to present the data disclosed by Bocionek on a second device. One would have been motivated to do so in order to improve the diversity of database system with which the clients and users can interact.

Referring to claim 9, Bocionek/Filteau teaches the distributed method as claimed in claim 8, wherein the second data processing device stores report masks at least one of generated and altered by the user [local reporting templates or profiles] (Filteau: see [0041]).

Referring to claim 10, Bocionek/Filteau discloses the distributed method as claimed in claim 8, wherein the second method component uses report masks for a user to edit data from the data objects (Filteau: see [0039], lines 12-14; [0050]; and [0055]).

Referring to claim 11, Bocionek/Filteau discloses the distributed method as claimed in claim 8, wherein a data switching component [renderer 140] is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing information about the association between data object types and report masks, and for associating a report mask with the data object on the basis of the result of this comparison (Filteau: see [0039] and [0053]).

Referring to claim 12, Bocionek/Filteau discloses the distributed method as claimed in claim 8, wherein data belonging to data objects is transferable from the

second to the first component, and wherein the first component stores data objects with

user-edited data, transferred to the first component, in a data store (Filteau: see [0039]).

Referring to claim 13, Bocionek/Filteau discloses the distributed method as

claimed in claim 12, wherein the content of user-edited data belonging to data objects is

checked, and the user-edited data are stored by the first component only on the basis of

the result of this check (Filteau: see [0039] and [0053]).

Referring to claim 14, Bocionek/Filteau discloses teaches the distributed

method as claimed in claim 8, wherein the first component authenticates all access

operations to data objects by users in a manner which the user cannot alter and

documents them so that they can be subsequently reconstructed (Bocionek: see [0021]

and [0025]; Filteau: see [0048]).

Referring to claim 15, Bocionek/Filteau discloses the data processing system

as claimed in claim 2, wherein the second data processing device uses report masks,

generateable and alterable by the user without knowledge of the syntax of the data

objects, in order for a user to edit data from data objects (Filteau: see [0039], lines 12-

14; [0050]; and [0055]).

Referring to claim 16, Bocionek/Filteau discloses the data processing system

as claimed in claim 1, wherein at least one of the interfaces includes data switching

means [renderer 140], having access to an association memory containing information

about an association between data object types and report masks, for ascertaining the

type of a data object transferred via the interface, for comparing the ascertained type

with the content of the association memory and for associating a report mask with the

data object on the basis of the result of the comparison (Filteau: see [0039] and [0053]).

Referring to claim 17, Bocionek/Filteau discloses the data processing system

as claimed in claim 4, wherein the interfaces on the first and second data processing

devices, when interconnected, are useable to transfer data belonging to data objects

from the second data processing device to the first data processing device, and wherein

data objects with user-edited data, transferred to the first data processing device via the

interconnected interfaces, are stored in the data store (Filteau: see [0039]).

Referring to claim 18, Bocionek/Filteau discloses the data processing system

as claimed in claim 17, wherein content of user-edited data is checked, and the checked

data are stored by the first data processing device only on the basis of the result of the

check (Filteau: see [0039] and [0053]).

Referring to claim 19, Bocionek/Filteau discloses the distributed method of

claim 8, wherein the second component is used to present data from the data objects in

medically relevant reports using the report masks (Filteau: see [0039]; [0041]; and

[0043]).

Referring to claim 20, Bocionek/Filteau discloses the distributed method as

claimed in claim 9, wherein the second method component uses report masks for a user

to edit data from the data objects (Filteau: see [0047] and [0050]).

Referring to claim 21, Bocionek/Filteau teaches the distributed method as

claimed in claim 9, wherein a data switching component [renderer 140] is provided for

ascertaining the type of a data object transferred from the first to the second

component, for comparing the ascertained type with the content of an association

memory containing information about the association between data object types and

report masks, and for associating a report mask with the data object on the basis of the

result of this comparison (Filteau: see [0039] and [0053]).

Referring to claim 22, Bocionek/Filteau discloses the distributed method as

claimed in claim 10, wherein a data switching component is provided for ascertaining

the type of a data object transferred from the first to the second component, for

comparing the ascertained type with the content of an association memory containing

information about the association between data object types and report masks, and for

associating a report mask with the data object on the basis of the result of this

comparison (Filteau: see [0039] and [0053]).

Referring to claim 23, Bocionek discloses a data processing system for

processing medically relevant data objects including at least one of image data and

metadata (see abstract), comprising:

a first electronic data processing means [operator consoles 5-8] for viewing and

editing the data objects (see [0021], lines 7-11), the first electronic data processing

device including,

storage means for storing the data objects [medical images and patient

data are stored locally within the workstations] (see [0021], lines 7-11), and

first interfacing means for outputting data objects (see [0025]); and

second electronic data processing means [workstation 11] (see [0023]), the

second electronic data processing device including,

second interfacing means for receiving the data objects [communication

network 9] (see [0023], lines 1-4),

wherein

the first data processing means uses firmly prescribed data formats

[DICOM], unalterable by a user, to store, view and edit data objects (see [0021]

and [0025]),and

the interfacing means of the first and second processing means are

connectable to one another for transfer of data objects from the first data

processing means to the second data processing means (see [0022], lines 1-3;

[0023], lines 1-4; and [0025]).

However, while Bocionek discloses a second processing device, Bocionek fails to

explicitly disclose the further limitations of the second data processing means for

presenting and altering data from data objects in reports using report masks, wherein

the second data processing means has a mask memory for storing the report masks

and uses report masks, generateable and alterable locally by the user of the second

data processing means to present and alter objects in a report context. Filteau

discloses creating formatted reports [medical diagnostic report 800] containing extracts

from the database [data storage device 105] (see [0039]) including the further limitations

of a second data processing means for presenting and altering data from data objects in

medically relevant reports using report masks (see [0037]-[0039]; Fig 1; and Fig 2), the

second data processing means including a mask memory for storing the report masks

[the data storage device 105 may contain a plurality of records identifying one or more

local reporting templates or profiles that may be selected by a reporting physician in order to tailor the format of the report] (see [0041], lines 4-8), a second interface for receiving the data objects [report input interface 15] (see [0037]) and the second data processing means uses report masks, generateable and alterable [report editor 170] locally by the user of the second data processing device to present and alter objects in a report context [permit an operator of the medical report generator 100 to complete any necessary modifications either to previously supplied or site modified diagnostic findings] (see [0041]; [0042]; and [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the report masks of Filteau to present the data disclosed by Bocionek on a second device. One would have been motivated to do so in order to improve the diversity of database system with which the clients and users can interact.

Referring to claim 24, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein the second data processing means stores report masks at least one of generated and altered by the user [local reporting templates or profiles] (Filteau: see [0041]).

Referring to claim 25, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein the second data processing means uses report masks, generateable and alterable by the user without knowledge of the syntax of the data objects, in order for a user to edit data from data objects (Filteau: see [0039], lines 12-14; [0050]; and [0055]).

Referring to claim 26, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein at least one of the interfacing means includes the data switching means [renderer 140], the data switching means having access to an association memory containing information about an association between data object types and report masks, for ascertaining the type of a data object transferred via the interface means, for comparing the ascertained type with the content of the association memory and for associating a report mask with the data object on the basis of the result of the comparison (Filteau: see [0039] and [0053]).

Referring to claim 27, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein the interfacing means on the first and second data processing means, when interconnected, are useable to transfer data belonging to data objects from the second data processing means to the first data processing means, and wherein data objects with user-edited data, transferred to the first data processing means via the interconnected interfaces, are stored in the storage means (Filteau: see [0039]).

Referring to claim 28, Bocionek/Filteau discloses the data processing system as claimed in claim 27 wherein content of user-edited data is checked, and the checked data are stored by the first data processing means only on the basis of the result of the check (Filteau: see [0039] and [0053]).

Referring to claim 29, Bocionek/Filteau discloses the data processing system as claimed in claim 23, wherein the first data processing means is for authenticating all access operations to data objects by users in a manner which the user cannot alter and

documents them for later reconstruction (Bocionek: see [0021] and [0025]; Filteau: see [0048]).

Response to Arguments

7.   Applicant's arguments, see the Remarks, filed 24 July 2008, with respect to the rejection(s) of claim(s) 1-29 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US PGPub 2002/0087359 to Bocionek and US PGPub 2002/0188896 to Filteau.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US PGPub 2003/0028401 to Kaufman et al titled "Customizable Lung Report Generation"

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY LOVEL whose telephone number is (571)272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/   Kimberly Lovel
Supervisory Patent Examiner, Art Unit 2167   Examiner
                                                              Art Unit 2167

23 November 2008
kml